

**CALIFORNIA COASTAL COMMISSION**

CENTRAL COAST DISTRICT OFFICE  
725 FRONT STREET, SUITE 300  
SANTA CRUZ, CA 95060  
(831) 427-4863 FAX (831) 427-4877  
[www.coastal.ca.gov](http://www.coastal.ca.gov)

**F13**

# **CENTRAL COAST DISTRICT (SANTA CRUZ) DEPUTY DIRECTOR'S REPORT**

*For the*

## ***October Meeting of the California Coastal Commission***

**MEMORANDUM**

Date: October 12, 2007

TO: Commissioners and Interested Parties  
FROM: Charles Lester, Central Coast District Deputy Director  
SUBJECT: ***Deputy Director's Report***

Following is a listing for the waivers, emergency permits, immaterial amendments and extensions issued by the Central Coast District Office for the October 12, 2007 Coastal Commission hearing. Copies of the applicable items are attached for your review. Each item includes a listing of the applicants involved, a description of the proposed development, and a project location.

Pursuant to the Commission's direction and adopted procedures, appropriate notice materials were sent to all applicants for posting at the project site. Additionally, these items have been posted at the District office and are available for public review and comment.

This report may also contain additional correspondence and/or any additional staff memorandum concerning the items to be heard on today's agenda for the Central Coast District.

***REGULAR WAIVERS***

1. 3-07-039-W Andrew J. Carden; Courtney Morris (Avila Beach, San Luis Obispo County)
2. 3-07-049-W Santa Cruz Port District And Café El Palomar, Attn: Brian Foss, Port Director (Santa Cruz, Santa Cruz County)

***DE MINIMIS WAIVERS***

1. 3-07-017-DM Santa Cruz City Parks & Recreation Department, Attn: Steve Hammack (Santa Cruz, Santa Cruz County)
2. 3-07-033-W Hopkins Marine Station, Stanford University, Attn: Judy Thompson, Administrator (Pacific Grove, Monterey County)

***IMMATERIAL AMENDMENTS***

1. 3-85-016-A1 Aldo's Harbor Restaurant, Attn: John Mootz ; Aldo's Restaurant (Santa Cruz, Santa Cruz County)
2. A-3-SLO-03-040-A2 Alex Benson (Los Osos, San Luis Obispo County)
3. A-3-SCO-02-092-A1 Margaret Webb Trust (Live Oak, Santa Cruz County)

***EXTENSION - IMMATERIAL***

1. A-3-SLO-04-061-E1 Oceano Pavilion L L C, Attn: Robert Mueller (Oceano, San Luis Obispo County)

<b><i>TOTAL OF 8 ITEMS</i></b>
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## DETAIL OF ATTACHED MATERIALS

### REPORT OF REGULAR WAIVERS

The Executive Director has determined that the following developments do not require a coastal development permit pursuant to Section 13250(c) and/or Section 13253(c) of the California Code of Regulations.

<i>Applicant</i>	<i>Project Description</i>	<i>Project Location</i>
<b>3-07-039-W</b> Andrew J. Carden Courtney Morris	Construct a 21.5 ft. by 24 ft. metal roof over an existing restaurant patio.	Pier 3, Pod 3 (Pete's Pier Side Café, located on the Hartford Pier at Port San Luis Harbor), Avila Beach (San Luis Obispo County)
<b>3-07-049-W</b> Santa Cruz Port District And Café El Palomar, Attn: Brian Foss, Port Director	Convert 500 square feet of office space in the O'Neill Building to 300 square feet of take-out restaurant space and 200 square feet of restaurant storage to provide for an expansion of the Café Palomar.	2222 East Cliff Drive (The O'Neill Building fronting the Santa Cruz Harbor at Harbor Beach and adjacent to Twin Lakes State Beach), Santa Cruz (Santa Cruz County)

### REPORT OF DE MINIMIS WAIVERS

The Executive Director has determined that the following developments do not require a coastal development permit pursuant to Section 30624.7 of the California Coastal Act of 1976.

<i>Applicant</i>	<i>Project Description</i>	<i>Project Location</i>
<b>3-07-017-DM</b> Santa Cruz City Parks & Recreation Department, Attn: Steve Hammack	Widen the east pedestrian walkway by six feet extending from bent 10 to bent 37 (approximately 354 linear feet) to provide a secure pedestrian egress corridor during emergency evacuation, and to improve access for visitors, including visitors with disabilities, on the municipal wharf. The project also includes replacing a maximum of 66 existing pilings with ACZA-infused, plastic-coated wood pilings (consistent with California Department of Fish and Game guidelines).	Santa Cruz Municipal Wharf, Santa Cruz (Santa Cruz County)
<b>3-07-033-W</b> Hopkins Marine Station, Stanford University, Attn: Judy Thompson, Administrator	Construct seawater holding tank (12' x 19' x 8') adjacent to the Tuna Research and Conservation Center. The tank will be constructed approximately 4.5' below grade (i.e., 3.5' above the surface).	100-130 Ocean View Boulevard (immediately downcoast of the Monterey Bay Aquarium), Pacific Grove (Monterey County)

### REPORT OF IMMATERIAL AMENDMENTS

The Executive Director has determined that there are no changes in circumstances affecting the conformity of the subject development with the California Coastal Act of 1976. No objections to this determination have been received at this office. Therefore, the Executive Director grants the requested Immaterial Amendment, subject to the same conditions, if any, approved by the Commission.

<i>Applicant</i>	<i>Project Description</i>	<i>Project Location</i>
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<b>3-85-016-A1</b> Aldo's Harbor Restaurant, Attn: John Mootz Aldo's Restaurant	1) Remove bait-and-tackle shop and oyster bar as an allowable use on the public pier; 2) Allow use of a 15' x 51' section of the public pier for extra restaurant seating (up to 15 tables) and as a related short-term storage area for these tables when not in use for a period of seven days or less (for contiguous periods greater than seven days, the tables and associated seating must be removed to inside Aldo's Restaurant or to an offsite location); 3) No demarcation of the 15' x 51' seating area, i.e. no ropes or other barriers; 4) General public use of the remaining public pier area outside of the restaurant seating area and the short-term storage area at all times; 5) Installation and maintenance of three signs for as long as the public pier is used for restaurant seating: a) a sign stating "Coastal Access Pier - Open to the Public" installed at the north-westernmost entrance to the pier where it is readily visible to the public; b) a sign stating "Aldo's Restaurant Seating in this Area - Remainder of Pier Available for Public Use" installed only during Aldo's business hours and only when the tables and associated seating are placed within the seating area and being used by restaurant guests; c) a Coastal Public Access sign mounted on the western side of Aldo's Restaurant directing the public to Twin Lakes State Beach/Harbor Beach and the Walton Lighthouse; 6) Installation of three six-foot-long park benches along the easternmost portion of the public pier, adjacent to the harbor waters. 7) Coordination with the Santa Cruz Port District regarding future proposed improvements to the beach accessway entrance to Twin Lakes/Seabright State Beach located along the western side of Aldo's Restaurant, including: a) enhancement of the beach accessway on the western side of Aldo's Restaurant for public coastal access, such as modifying trash, recycling, and related restaurant elements along the accessway to minimize their impact on public access and the public viewshed, and; b) a fair-share contribution towards the Port District's pathway upgrade and enhancement project along the beach accessway entrance; 7) Executive Director re-review of the use of a portion of the public pier as a restaurant seating area/short-term storage area in five years, (i.e., by December 31, 2012).	616 Atlantic Avenue (Aldo's Restaurant at the Santa Cruz Yacht Harbor), Santa Cruz (Santa Cruz County)
<b>A-3-SLO-03-040-A2</b> Alex Benson	Remove one cypress tree to accommodate improvements to the existing leachfield.	1370 - 2nd Street (Baywood area), Los Osos (San Luis Obispo County)
<b>A-3-SCO-02-092-A1</b> Margaret Webb Trust	Replace the previously approved manual operation gate with an automatic electric gate, and add new public access trail signage at either end of the approved public nature trail extending between Portola Drive and East Cliff Drive along the banks of Corcoran Lagoon.	Coastview Drive (off of East Cliff Drive adjacent to Corcoran Lagoon), Live Oak (Santa Cruz County)

**REPORT OF EXTENSION - IMMATERIAL**

<i>Applicant</i>	<i>Project Description</i>	<i>Project Location</i>
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## CENTRAL COAST DISTRICT DEPUTY DIRECTOR'S REPORT CONTINUED

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<b>A-3-SLO-04-061-E1</b> Oceano Pavilion L L C, Attn: Robert Mueller	Construct a 16-unit hotel and manager's unit; underground parking; landscaping; and drainage improvements.	Approximately 200 feet north of Pier Avenue, Oceano (San Luis Obispo County)
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**NOTICE OF COASTAL DEVELOPMENT PERMIT WAIVER**

DATE: September 27, 2007  
TO: Andrew J. Carden; Courtney Morris  
FROM: Peter M. Douglas, Executive Director  
SUBJECT: Waiver of Coastal Development Permit Requirement:  
**Waiver Number 3-07-039-W**

Based on project plans and information submitted by the applicant(s) named below regarding the development described below, the Executive Director of the Coastal Commission hereby waives the requirement for a Coastal Development Permit, pursuant to Title 14, Section 13253(c) of the California Code of Regulations.

APPLICANT: Andrew J. Carden; Courtney Morris

LOCATION: Pier 3, Pod 3 (Pete's Pier Side Café, located on the Hartford Pier at Port San Luis Harbor), Avila Beach (San Luis Obispo County) (APN(s) 076-172-12)

DESCRIPTION: Construct a 21.5 ft. by 24 ft. metal roof over an existing restaurant patio.

RATIONALE: The proposed development will enhance visitor-serving opportunities, and its impacts on coastal resources, including public access, will be insignificant. The project area is fairly limited and best management practices will be implemented during construction to ensure that coastal water quality will not be adversely impacted. The proposed project is in support of high priority visitor-serving uses on the Harford Pier, and will enhance visitor-serving amenities at this primary public access destination.

IMPORTANT: This waiver is not valid unless the site has been posted AND until the waiver has been reported to the Coastal Commission. This waiver is proposed to be reported to the Commission at the meeting of Friday, October 12, 2007, in San Pedro. If three Commissioners object to this waiver, a coastal development permit will be required.

Persons wishing to object to or having questions regarding the issuance of a coastal permit waiver for this project should contact the Commission office at the above address or phone number prior to the Commission meeting date.

Sincerely,  
PETER M. DOUGLAS  
Executive Director

  
By: DAN CARL  
District Manager

cc: Local Planning Dept.

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**NOTICE OF COASTAL DEVELOPMENT PERMIT WAIVER**

DATE: September 27, 2007  
TO: Santa Cruz Port District And Café El Palomar, Attn: Brian Foss, Port Director  
FROM: Peter M. Douglas, Executive Director  
SUBJECT: Waiver of Coastal Development Permit Requirement:  
**Waiver Number 3-07-049-W**

Based on project plans and information submitted by the applicant(s) named below regarding the development described below, the Executive Director of the Coastal Commission hereby waives the requirement for a Coastal Development Permit, pursuant to Title 14, Section 13253(c) of the California Code of Regulations.

APPLICANT: Santa Cruz Port District And Café El Palomar, Attn: Brian Foss, Port Director  
LOCATION: 2222 East Cliff Drive (The O'Neill Building fronting the Santa Cruz Harbor at Harbor Beach and adjacent to Twin Lakes State Beach), Santa Cruz (Santa Cruz County) (APN(s) 010-321-10)  
DESCRIPTION: Convert 500 square feet of office space in the O'Neill Building to 300 square feet of take-out restaurant space and 200 square feet of restaurant storage to provide for an expansion of the Café Palomar.  
RATIONALE: The proposed development converts existing office space to visitor-serving restaurant use (expansion of the Café Palomar). The development will enhance visitor-serving commercial facilities at a popular visitor destination that fronts the public beach, and its impact on coastal resources otherwise, including public access, will be insignificant.

IMPORTANT: This waiver is not valid unless the site has been posted AND until the waiver has been reported to the Coastal Commission. This waiver is proposed to be reported to the Commission at the meeting of Friday, October 12, 2007, in San Pedro. If three Commissioners object to this waiver, a coastal development permit will be required.

Persons wishing to object to or having questions regarding the issuance of a coastal permit waiver for this project should contact the Commission office at the above address or phone number prior to the Commission meeting date.

Sincerely,  
PETER M. DOUGLAS  
Executive Director

By: DAN CARL  
District Manager

A handwritten signature in black ink that reads "DAN CARL".

cc: Local Planning Dept.

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**NOTICE OF COASTAL DEVELOPMENT PERMIT WAIVER**

DATE: September 27, 2007  
TO: Santa Cruz City Parks & Recreation Department, Attn: Steve Hammack  
FROM: Peter M. Douglas, Executive Director  
SUBJECT: Waiver of Coastal Development Permit Requirement:  
**Waiver De Minimis Number 3-07-017-DM**

Based on project plans and information submitted by the applicant(s) named below regarding the development described below, the Executive Director of the Coastal Commission hereby waives the requirement for a Coastal Development Permit, pursuant to Title 14, Section 13238 of the California Code of Regulations.

APPLICANT: Santa Cruz City Parks & Recreation Department, Attn: Steve Hammack  
LOCATION: Santa Cruz Municipal Wharf, Santa Cruz (Santa Cruz County) (APN(s) 005-401-04)  
DESCRIPTION: Widen the east pedestrian walkway by six feet extending from bent 10 to bent 37 (approximately 354 linear feet) to provide a secure pedestrian egress corridor during emergency evacuation, and to improve access for visitors, including visitors with disabilities, on the municipal wharf. The project also includes replacing a maximum of 66 existing pilings with ACZA-infused, plastic-coated wood pilings (consistent with California Department of Fish and Game guidelines).  
RATIONALE: The proposed piling replacement incorporates appropriate water quality protection measures, including driving the pilings into place with the use of a flexible skirt to reduce turbidity and additional best management practices typically applied by the Commission to projects involving piling replacement. The ACZA-treated pilings come from the City's existing stockpile, which the proposed project will deplete. The Commission has typically allowed use of such pilings when there is an existing stockpile and adequate measures are taken to minimize potential adverse impacts (such as the coating process to be used in this project). Once the stockpile is depleted, the Commission may require other piling types to be used (such as concrete, stainless steel, steel-reinforced recycled plastic, etc.). The City is aware of this wood piling issue and will investigate other piling alternatives as it replenishes its stockpile in the future.

The proposed expansion of the east pedestrian walkway will enhance public access along the wharf. A wider walkway will prevent pedestrian traffic from spilling over into the vehicle traffic lane, thus enhancing public safety. The proposed walkway widening also incorporates a variety of best management practices to protect water quality during construction, such as placement of a floating containment boom to prevent construction debris from entering ocean waters. Additional shading created by the cantilevered expansion of the walkway will be minimal and should not adversely impact marine life given the height of the existing wharf and the relatively turbid nature of the ocean waters below the wharf.

The proposed project will enhance public access and recreational opportunities at a primary visitor destination. Due to the included construction best management practices, the proposed project will not have an adverse effect, either individually or cumulatively, on coastal resources, and it is consistent with the policies of Chapter 3 of the Coastal Act of 1976 (commencing with Section 30200).

Date: 9/27/2007

Page 2

IMPORTANT: This waiver is not valid unless the site has been posted AND until the waiver has been reported to the Coastal Commission. This waiver is proposed to be reported to the Commission at the meeting of Friday, October 12, 2007, in San Pedro . If four Commissioners object to this waiver, a coastal development permit will be required.

Persons wishing to object to or having questions regarding the issuance of a coastal permit waiver for this project should contact the Commission office at the above address or phone number prior to the Commission meeting date.

Sincerely,  
PETER M. DOUGLAS  
Executive Director

  
By: DAN CARL  
District Manager

cc: Local Planning Dept.

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**NOTICE OF COASTAL DEVELOPMENT PERMIT WAIVER**

DATE: September 27, 2007  
TO: Hopkins Marine Station, Stanford University, Attn: Judy Thompson,  
Administrator  
FROM: Peter M. Douglas, Executive Director  
SUBJECT: Waiver of Coastal Development Permit Requirement:  
**Waiver De Minimis Number 3-07-033-W**

Based on project plans and information submitted by the applicant(s) named below regarding the development described below, the Executive Director of the Coastal Commission hereby waives the requirement for a Coastal Development Permit, pursuant to Title 14, Section 13238 of the California Code of Regulations.

APPLICANT: Hopkins Marine Station, Stanford University, Attn: Judy Thompson, Administrator

LOCATION: 100-130 Ocean View Boulevard (immediately downcoast of the Monterey Bay Aquarium), Pacific Grove (Monterey County) (APN(s) 006-741-06)

DESCRIPTION: Construct seawater holding tank (12' x 19' x 8') adjacent to the Tuna Research and Conservation Center. The tank will be constructed approximately 4.5' below grade (i.e., 3.5' above the surface).

RATIONALE: The proposed development will eliminate seawater discharges into Monterey Bay in order to comply with a State Water Resource Control Board (SWRCB) order prohibiting such discharges into designated Areas of Special Biological Significance. The holding tank will be constructed partially underground, and would include landscaping at its perimeter with native, non-invasive plants and shrubs to soften its appearance in the viewshed. Given its location within a working marine lab, such measures should be adequate to ensure that the project will blend into the existing view aesthetic at this location. The proposed development will not otherwise adversely effect coastal resources, including public access to the shoreline.

IMPORTANT: This waiver is not valid unless the site has been posted AND until the waiver has been reported to the Coastal Commission. This waiver is proposed to be reported to the Commission at the meeting of Friday, October 12, 2007, in San Pedro. If four Commissioners object to this waiver, a coastal development permit will be required.

Persons wishing to object to or having questions regarding the issuance of a coastal permit waiver for this project should contact the Commission office at the above address or phone number prior to the Commission meeting date.

Sincerely,  
PETER M. DOUGLAS  
Executive Director

A handwritten signature in black ink, appearing to read "Dan Carl".

By: DAN CARL  
District Manager



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## NOTICE OF PROPOSED PERMIT AMENDMENT

TO: All Interested Parties  
FROM: Peter Douglas, Executive Director *PD*  
DATE: September 27, 2007  
SUBJECT: **Proposed Amendment to Coastal Development Permit (CDP) 3-85-016**  
Applicant: Aldo's Harbor Restaurant, Attn: John Mootz

### Original Description

CDP 3-85-016 was approved by the Coastal Commission on March 28, 1985, and provided for: 1) construction of a 1,155 square foot addition to the existing Aldo's Harbor Restaurant; 2) remodeling of the existing Aldo's restaurant; 3) installation of a new retaining wall and parking improvements, and; 4) installation of a commercial oyster bar on a portion of a public pier, at Aldo's Harbor Restaurant, 616 Atlantic Avenue, Santa Cruz, CA.

### Proposed Amendment

The Executive Director of the Coastal Commission has reviewed a proposed amendment to CDP 3-85-016, which would:

- 1) Eliminate the bait-and-tackle shop and the oyster bar from the previously permitted project and eliminate them as allowable uses;
- 2) Allow use of a 15' x 51' section of the public pier (765 square feet or 48% of the total pier area) for extra restaurant seating (up to 15 tables) or as a related short-term storage area (200 square feet of area located as far inland on the pier as possible) for these tables when not in use for a period of seven days or less (for contiguous non-use periods greater than seven days, the tables and associated seating must be removed to inside Aldo's Harbor Restaurant or to an offsite location) (see Attachment #1 for site map and project plan);
- 3) Require no demarcation of the 15' x 51' seating area, i.e. no ropes or other barriers;
- 4) Require general public use of the remaining public pier area outside of the restaurant seating area and the short-term storage area at all times (and of these areas when not in use for restaurant seating or storage);
- 5) Require installation and maintenance of three signs: a) a sign stating "Coastal Access Pier - Open to the Public" installed at the north-westernmost entrance to the pier where it is readily visible to the public; b) a sign stating "Aldo's Restaurant Seating in this Area - Remainder of Pier Available for Public Use" installed only during Aldo's business hours and only when the tables and associated seating are placed within the seating area and are being used by restaurant guests; c) a coastal public access sign mounted on the western side of Aldo's Harbor Restaurant directing the public to Twin Lakes State Beach/Seabright State Beach and the Walton Lighthouse;



## **NOTICE OF PROPOSED PERMIT AMENDMENT 3-85-016-A1**

**September 27, 2007**

6) Require installation of three six-foot-long park benches for general public use along the easternmost portion of the public pier, adjacent to the harbor waters.

7) Require that Aldo's Harbor Restaurant coordinate with the Santa Cruz Port District regarding future proposed improvements to the beach accessway entrance to Twin Lakes/Seabright State Beach located along the western side of Aldo's Harbor Restaurant, including: a) enhancement of the beach accessway on the western side of Aldo's Restaurant for public coastal access, such as modifying trash, recycling, and related restaurant elements along the accessway to minimize their impact on public access and the public viewshed (to be completed within the five-year term of this permit if the Port District's project has not come to fruition by that time), and; b) a fair-share contribution towards the Port District's pathway upgrade and enhancement project along the beach accessway entrance;

8) Require Executive Director re-review of the use of a portion of the public pier as a restaurant seating area/short-term storage area in five years (i.e., by December 31, 2012).

### **Findings**

Pursuant to Title 14, Section 13166(b) of the California Code of Regulations, this amendment is considered to be immaterial and the permit will be amended accordingly if no written objections are received within ten working days of the date of this notice. If an objection is received, the amendment must be reported to the Commission at the next regularly scheduled meeting. This amendment has been considered immaterial for the following reason(s):

The proposed amendment would allow for a portion of the public pier to be used by Aldo's for restaurant seating during peak restaurant use times. The public pier extends out over Harbor waters and provides an entryway to Aldo's restaurant. The pier also provides a general public use area that can be used for taking in the Harbor view at this location; at times, the Port District also operates a free harbor taxi with pick up and delivery at this location.

The proposed project will enhance visitor serving amenities and Coastal Act priority uses at a primary access destination. Aldo's has proposed reasonable measures to ensure that restaurant use of a portion of the pier does not adversely impact public access use of the pier in general. These measures include limiting the pier area to be used (both spatially and temporally), providing clear signage regarding public use parameters, and ensuring that restaurant seating is configured in such a way as to blend into the pier aesthetics and not significantly alter or block public views. In addition, the proposed project includes additional public access enhancements, including placing three new benches on the pier for general public use, new signage directing beach goers to the Seabright unit of Twin Lakes State Beach, and future redevelopment of the public accessway to the beach (between the restaurant location and the bluff) to make it more inviting and attractive, including improvements to the restaurant's trash and recycling disposal area, as well as a commitment to a fair share contribution to the Port District's future project designed to enhance this primary gateway to the beach and the Walton lighthouse (located on the north jetty). The proposed project is also limited to a five-year term that can be extended only if restaurant use of a portion of the pier is not leading to significant coastal access impacts (conversely, if it is leading to such impacts, then Aldo's would have to discontinue its use of the pier).

As structured, the proposed project includes well-crafted public access and visitor serving enhancements for a Coastal Act priority use, and will not adversely impact coastal resources, including coastal access to and along the shoreline.



**California Coastal Commission**

## **NOTICE OF PROPOSED PERMIT AMENDMENT 3-85-016-A1**

**September 27, 2007**

Prior to this notice being sent, Commission staff received two letters (Attachment #2) expressing concern with the proposed project, primarily regarding parking, private use of the public pier, and the noticing done by the City when the City processed its local approval. Regarding noticing, the City sent notice of its June 7, 2007 hearing to all residents within 300 feet of Aldo's (excluding roads), as required. A 2-foot x 3-foot public hearing notice sign was placed at Aldo's two weeks prior to the local public hearing on the project. The City also ran a newspaper notice on May 22, 2007 and a small article ran independently in the local newspaper on June 6, 2007. The City also noticed the attorney for the local neighborhood group regarding the public hearing. It appears clear that the City provided adequate notice in this respect. In addition, to maximize public participation, this amendment notice is being sent to all interested parties of which the Executive Director is aware (including those previously noticed by the City and the two letter writers).

With respect to private commercial use of the public pier, one letter writer asserted that in June 2005, Aldo's Harbor Restaurant used a portion of the public pier for restaurant use without the proper permits (see page 3 of Attachment #2 for photograph). This use apparently ceased shortly after the photograph was taken. The current proposal for use of a portion of the public pier would be considerably less than that shown in the photo. The majority of the public pier (835 square feet) will remain open to the general public when a portion of the pier is being used for either restaurant seating (765 square feet) or restaurant seating storage (200 square feet) (Attachment #1, page 2). During extended periods when the pier is not in use (longer than seven days), the seating will be removed and the entire pier will be available for general public access. Three new public benches will be placed on the pier adjacent to harbor waters to enhance public access, and public access signage will be conspicuously placed at the entrance to the pier stating that the pier is available for general public use. Thus, the project strikes a balance of enhancing visitor-serving amenities at a very popular destination through use of a portion of the pier, while ensuring that general public (non-restaurant related) access is still provided and enhanced. In addition, new signage will be placed on the Aldo's Harbor Restaurant building to guide visitors to Twin Lakes State Beach/Seabright State Beach and the Walton Lighthouse. Also, Aldo's Harbor Restaurant will coordinate with (and contribute fair share fees to) the Santa Cruz Port District for future proposed improvements to the Twin Lakes State Beach/Seabright Beach accessway.

Regarding parking, the parking lot areas within the Santa Cruz Harbor support a variety of uses, including boat slip access, boat and kayak launching, and retail and restaurant uses. The certified LCP's Santa Cruz Harbor Development Plan (Development Plan) requires 25 spaces for the existing Aldo's Harbor Restaurant use. The Development Plan requires that any expansion of Aldo's Restaurant use provide 1 new parking space for each 200 feet of expansion. Thus, the proposed expanded use (765 square feet) requires four additional parking spaces. The Santa Cruz Port District has explicitly agreed to provide four additional parking spaces in the Harbor parking lot for Aldo's patrons. Thus, per LCP guidance, adequate parking is provided. With respect to the concern that Aldo's patrons park on public streets located near Aldo's Harbor Restaurant, this is a fairly common objection with respect to beach area residents who live in an area that many others come to visit. However, these are public streets and street parking spaces in this area are available to the general public on a first-come first-serve basis. (It should be noted that Aldo's Harbor Restaurant is not located directly in a residential area – it is located in the Santa Cruz Harbor, which is adjacent to a residential area – see page 1 of Attachment #1.) With the allotted Port District parking, the effect of the proposed pier seating on such parking should be minimal.

In sum, the proposed amendment will enhance high-priority visitor-serving amenities and uses,



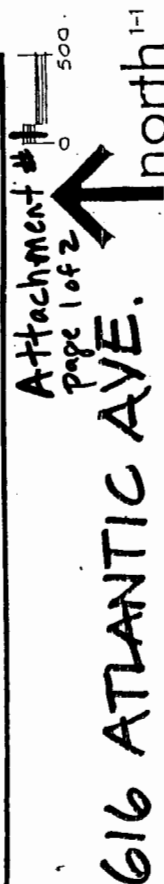
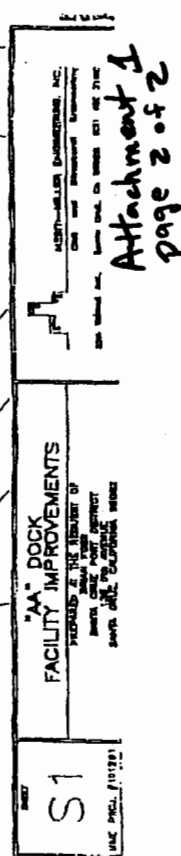
**California Coastal Commission**

**NOTICE OF PROPOSED PERMIT AMENDMENT 3-85-016-A1**  
**September 27, 2007**

consistent with the Commission's original coastal development permit approval, and consistent with the Coastal Act and the LCP's certified Santa Cruz Harbor Development Plan. The proposed amendment includes public access enhancements and, on the whole, will not adversely impacts on coastal resources.

**If you have any questions about the proposal or wish to register an objection, please contact Susan Craig at the Central Coast District office.**





RECEIVED

AUG 07 2007

CALIFORNIA  
COASTAL COMMISSION  
CENTRAL COAST AREA

Jill Gimelli  
206 Fourth Avenue  
Santa Cruz, CA 95062

August 2, 2007

Susan Craig  
California Coastal Commission  
725 Front Street, Suite 300  
Santa Cruz, CA 95060

Dear Ms. Craig,

This letter is to express my extreme opposition to the possibility of Aldo's Restaurant being permitted to take over any part of the adjacent public pier to expand their restaurant use.

The Planning Department was only required to notify neighbors within 100 feet of Aldo's of their intentions to both expand their hours and use of the pier. According to Nancy Boyle, that encompassed only four homes. That seems grossly unfair to the Seabright neighbors who are so impacted. Aldo's designated parking is not even within 100 feet of their restaurant.

Privatizing the pier (or part of) for the profit of Aldo's owners, who also owns Sestri's (at 7th Ave. and Capitola Rd.), would be a real loss for the neighbors and visitors who enjoy the pier's unique view of the boat launch across the harbor and just being able to stand out "over the water".

Aldo's patrons already have that benefit while dining on Aldo's present deck. As it is now, Aldo's uses the entrance of the pier as their "reception station" with a desk and table set up there. I feel this implies ownership and deters those who don't know differently from feeling free to enjoy the pier as I do. In June, 2005, without benefit of a permit, Aldo's new (and present) owner used the same area for dining that they are requesting use of now (photo enclosed). This was stopped by complaints. Yet, at the Planning Commission meeting on June 7, 2007, he was unable to detail how many tables and chairs he plans to have.

Beachgoers, as well as homeowners, lose a lot of the neighborhood parking because Aldo's customers prefer to park on the streets rather than venturing down to the Aldo's designated parking spaces in the harbor parking lot where they must feed quarters to the meters and walk up a long ramp to get to the restaurant. If Aldo's has more tables, the parking situation will only worsen.

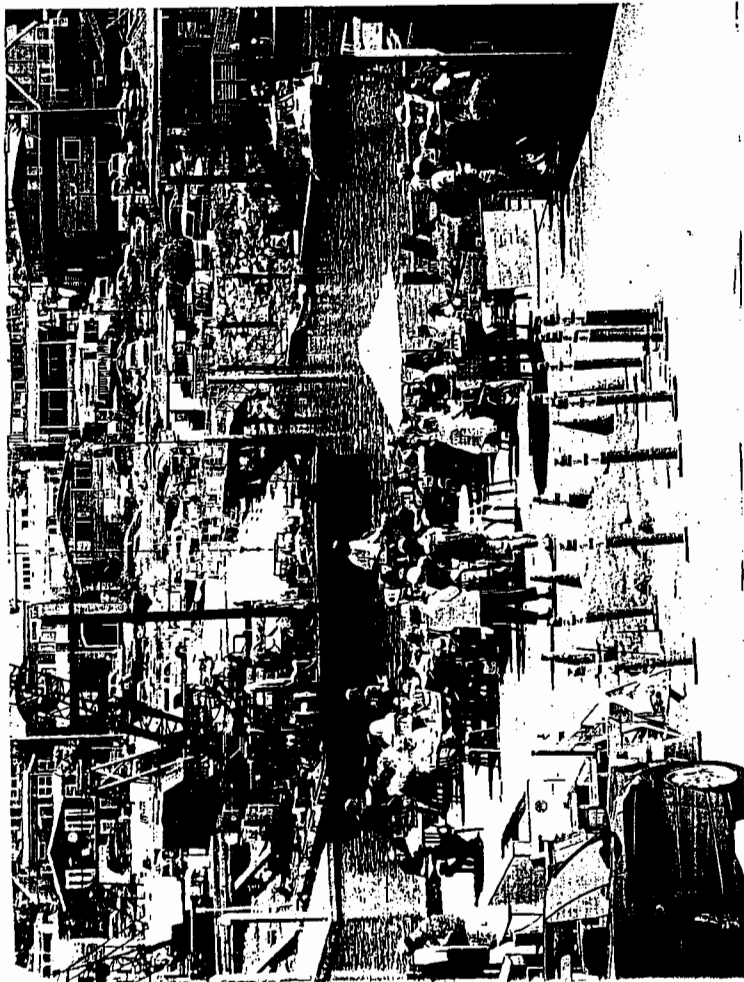
I've learned a lot of Aldo's history over the last few years, beginning as a bait shop next to a small boat launch, then a take-out food place for beachgoers. Then they became a place to go for breakfast, then lunch. Very recently they were allowed to serve dinners and alcohol against much opposition from the Seabright neighborhood.

The problem with Aldo's expansion simply is its location in a residential area in a beach access community with only a distant parking lot for patrons. It has maxed-out its growth potential in this location and impedes on its neighbors, as it is. The Planning Commission says they have received no complaints regarding Aldo's. I can only tell you that from my conversations with neighbors, everyone I've spoken with is against any more expansion and feels their wishes have been ignored by the commission. After years of promises from the port district to let the area remain a peaceful neighborhood, the neighbors have found their opposition efforts ineffective and futile and have become worn down. Please stop it here. Thank you.

Jill Gimelli

Attachment 2  
page 1 of 5

Attachment 2  
page 2 of 5



June 2005

Attachment 2  
page 3 of 5

# RECEIVED

AUG 10 2007

Edward J. Davidson

CALIFORNIA  
COASTAL COMMISSION  
CENTRAL COAST AREA

200 Button Street #15  
Santa Cruz, CA 95060  
TEL/FAX 831 423-9294

Central Coast District, CCC  
725 Front Street, Ste 300  
Santa Cruz, CA, 95060

Attn: Susan Craig

I wish you would consider some of the Coastal Act issues that were ignored by the Santa Cruz City Council regarding the latest Coastal Permit Amendment for Aldo's Restaurant on the west side of the Santa Cruz Small Craft Harbor. I am particularly concerned with access policies (30210 ff) and boating recreation (Sec 30224).

Last year a Permit Amendment allowed a Class 47 liquor license and dinner hours during the summer months. A fair neighborhood turnout objected to the liquor sales in the isolated commercial venue in their residential neighborhood. Concern was also expressed that restaurant patrons preferred to park on the residential streets rather than the reserved metered spaces over 500 feet away in the yacht harbor's parking lot. I noted the lack of parking at Twin Lakes State Beach (aka Castle Beach or Seabright Beach) but recognized that the added evening hours would not conflict with beachgoer street parking. I was more concerned with maintaining the pedestrian access to the beach between the building and poorly marked handicapped parking space. I also described the neighborhood commercial district on Seabright Ave. with a half-dozen competing eating and drinking establishments, all highly visible.

The current Coastal Permit Amendment request is to allow year-round dinner service and expanding the outdoor seating area onto the public observation deck. This would create a destination restaurant rather than a breakfast-lunch restaurant for the convenience of the boating community. The formula for parking spaces was based on shared parking for arriving or resident boaters; outdoor seating is not included in the City's parking calculations. I counted nearly thirty tables on Aldo's existing deck area that triples the seating capacity (and parking demand) at any one time. The City's Coastal Permit required no additional parking. Additional reserved metered parking spaces in the Port District lot conflicts with Sec. 30224. That policy limits non-water-dependent land uses which limits boating support facilities. On busy weekends, the public also uses the metered spaces for access to Twin Lakes S. B. Being over 500 feet from the restaurant, I don't think Aldo's checks on who is parked in the reserved spaces.

Notice of the Santa Cruz Hearing was only for the couple of residences within 300 feet of the restaurant. I think the notice should have been mailed to properties within 300 feet of the Port District's parking area and those who attended the prior year's hearing. Neighborhood issues included customer parking on the residential streets and the loss of an undetermined portion of the public observation deck. I asked questions about dealing with inclement weather (cool, foggy evenings can occur during the summer too); more

Attachment 2  
page 4 of 5

specifically, lighting, awnings, wind screens, outdoor heaters, etc. There were vague responses by the applicant and no conditions added to the Permit regulating them.

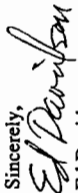
Becoming a destination dinner restaurant will be difficult at this location. It lacks visibility being isolated in a residential area and will require a heavy advertising budget. It must compete with two popular, excellent dinner restaurants (Crows Nest and Johnny's) on the east side of the harbor in the Port District's commercial area which have parking near the door. If Aldo's were to have around 45 tables, it could require they serve up to 100 diners at one time. Given the limited size of the kitchen, scullery, etc., I do not think the expansion onto the observation deck is necessary at this time. Also, without protection from the elements, outdoor dinner dining during much of the rest of the year may have limited chance for success, albeit less conflicting with Coastal Act policies.

My conclusions are the following: 1) Metered parking more than 500 feet from the restaurant will be unused in favor of local street parking. However, those parking spaces are needed for public access to the beach.

- 2) Reserving more metered spaces in the Port District area for the restaurant expansion conflicts with Section 30224.
- 3) Expanding the outdoor seating onto the public observation deck is not necessary at this time. Lighting and weather protecting improvements need to be specified prior to extended year-round dining hours.
- 3) The handicapped parking space needs to be paved and striped to ADA standards in order to preserve the four-foot wide public access to the beach.

I hope you can provide hearing notice to speakers at last year's City Council meeting.

Sincerely,

  
Ed Davidson

P. S. The above letter was written before the juvenile Gray whale entered the harbor mouth. The observation deck in question never attracted so many observers.

Attachment 2  
page 5 of 5

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OCT 05 2007

Edward J. Davidson

CALIFORNIA  
COASTAL COMMISSION  
CENTRAL COAST AREA

200 Button Street #15  
Santa Cruz, CA 95060  
TEL/FAX 831 423-9294  
October 5, 2007

Subject: Appeal of Aldo's Restaurant Amendment 3-85-016-A1

Honorable Coastal Commissioners:

I hereby object to Coastal Staff Findings of immateriality for Aldo's Restaurant and request Commission review of consistency findings related to Coastal Access and Recreation policies of Chapter 3 and the coastal-dependent, coastal-related policies of Section 30255.

The Staff Report discusses only the expansion of seating onto a portion of the public pier while the City issued Coastal Permit Amendment also allows the extended dining hours (to 9:00 P. M.) to be year-round rather than the three summer months of the previous amendment. The changed character of the restaurant from a convenience to boaters for breakfast and lunch to a destination dinner restaurant impacts the adjacent residential neighborhood. That change has further implications on the coastal access and recreation policies.

I believe the City of Santa Cruz erred by accepting the applicant's assertion that the off-site parking was within 300 feet of the restaurant (per City regulation.) The reserved metered spaces are more than 500 feet from the restaurant and rarely used by patrons if neighborhood parking is available. Since there is no public parking for Twin Lakes and Seabright State Beach, beach access is impacted by the competition for street parking. (See Sections 30210, 30212.5, 30220, and 30224.)

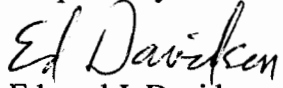
I also object to some of the assertions on page 3, paragraph 3 of the Staff Report. The restaurant is the only non-boating related activity on the west side of the harbor. The reserved spaces for Aldo's in the Port District parking area reduces spaces available for boaters and the public which can become filled during summer weekends. (30224)

While the extended evening dining hours do not conflict with daytime parking, it should be noted that all the other non-boating uses in the Port District (office, restaurant, retail) are on the east side of the harbor; Aldo's is isolated on the west side. The site adjoins a residential neighborhood, a half-mile from the neighborhood commercial district along Seabright Ave. Please review Chapter 3 policies in Sections 30253(5) and 30255 for protecting neighborhoods which are popular visitor destinations, and not coastal priority or related uses.

Whatever the Commission decides, I suggest a condition be added requiring the handicapped space adjacent to the public access be paved and striped to City standards

before granting the amendment. Vehicles for the handicapped could block public access to the beach without such improvements.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Ed Davidson". The signature is written in a cursive, slightly slanted style.

Edward J. Davidson

**CALIFORNIA COASTAL COMMISSION**

CENTRAL COAST DISTRICT OFFICE  
725 FRONT STREET, SUITE 300  
SANTA CRUZ, CA 95060  
(831) 427-4863 FAX (831) 427-4877  
[www.coastal.ca.gov](http://www.coastal.ca.gov)

**NOTICE OF PROPOSED PERMIT AMENDMENT**

TO: All Interested Parties  
FROM: Peter Douglas, Executive Director *By Douglas*  
DATE: September 27, 2007  
SUBJECT: **Permit No: A-3-SLO-03-040-A2**  
Granted to: Alex Benson

## Original Description:

for **Development of 6 new guest rooms (3,801 sq.ft.) to the existing Baywood Inn; and construction of a new 10 guest room hotel building (7,345 sq.ft.). The project also includes landscaping and drainage improvements.**  
at **1370 - 2nd Street (Baywood area), Los Osos (San Luis Obispo County)**

The Executive Director of the Coastal Commission has reviewed a proposed amendment to the above referenced permit, which would result in the following changes:

**Remove one cypress tree to accommodate improvements to the existing leachfield.**

**FINDINGS**

Pursuant to Title 14, Section 13166(b) of the California Code of Regulations this amendment is considered to be IMMATERIAL and the permit will be amended accordingly if no written objections are received within ten working days of the date of this notice. If an objection is received, the amendment must be reported to the Commission at the next regularly scheduled meeting. This amendment has been considered IMMATERIAL for the following reason(s):

**The requested amendment removes a single cypress tree to accommodate improvements to the existing onsite leachfield. The cypress tree does not provide habitat for sensitive species and upgrades to the leachfield will improve water quality. The amended project has been designed to avoid impacts to coastal resources and public access and recreation. For these reasons, the requested amendment is not a material change to the permit.**

If you have any questions about the proposal or wish to register an objection, please contact Jonathan Bishop at the Central Coast District office.

cc: Local Planning Dept.

Bob Semonsen

**CALIFORNIA COASTAL COMMISSION**

CENTRAL COAST DISTRICT OFFICE  
725 FRONT STREET, SUITE 300  
SANTA CRUZ, CA 95060  
PHONE: (831) 427-4863  
FAX: (831) 427-4877  
www.coastal.ca.gov



## NOTICE OF PROPOSED PERMIT AMENDMENT

TO: All Interested Parties  
FROM: Peter Douglas, Executive Director *BY DEAN*  
DATE: September 27, 2007  
SUBJECT: Proposed Amendment to Coastal Development Permit (CDP) A-3-SCO-02-092  
Applicants: Margaret Webb

### Original Description

CDP A-3-SCO-02-092 was approved by the Coastal Commission on March 18, 2005, and provided for the construction of single-family residence, the delineation of two building envelopes on adjacent parcels, and improvements to Coastview Drive, including the development of a public access pathway, between Portola Drive and East Cliff Drive adjacent to Corcoran Lagoon in the Live Oak beach area of unincorporated Santa Cruz County.

### Proposed Amendment

The Executive Director of the Coastal Commission has reviewed a proposed amendment to CDP A-3-SCO-02-092, which would: replace the previously approved manual operation gate with an automatic electric gate, and add new public access trail signage at either end of the approved public nature trail extending between Portola Drive and East Cliff Drive along the banks of Corcoran Lagoon.

### Findings

Pursuant to Title 14, Section 13166(b) of the California Code of Regulations, this amendment is considered to be immaterial and the permit will be amended accordingly if no written objections are received within ten working days of the date of this notice. If an objection is received, the amendment must be reported to the Commission at the next regularly scheduled meeting. This amendment has been considered immaterial for the following reason(s):

The proposed project gate is nearly the same as the gate previously approved by the Commission, and has been designed to be as see-through and as unobtrusive as possible, including through metal tube design and dark green painted exterior. The new public access signs will more clearly indicate that the previously approved (and now installed) decomposed granite path meandering along the banks of the lagoon is open and available to the general public. In sum, the proposed amendment will enhance public access and recreational opportunities consistent with the Commission's original coastal development permit approval, as well as consistent with the Coastal Act and the certified Santa Cruz County Local Coastal Program. Thus, the proposed amendment has a positive coastal access and recreation impact, and does not have the potential for adverse impacts on coastal resources otherwise.

**If you have any questions about the proposal or wish to register an objection, please contact Dan Carl at the Central Coast District office.**



**CALIFORNIA COASTAL COMMISSION**

CENTRAL COAST DISTRICT OFFICE  
725 FRONT STREET, SUITE 300  
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[www.coastal.ca.gov](http://www.coastal.ca.gov)



September 27, 2007

## **NOTICE OF EXTENSION REQUEST FOR COASTAL DEVELOPMENT PERMIT**

Notice is hereby given that: **Oceano Pavilion L L C, Attn: Robert Mueller**  
has applied for a one year extension of Permit No: **A-3-SLO-04-061-E1**  
granted by the California Coastal Commission on: September 14, 2005

for **Construct a 16-unit hotel and manager's unit; underground parking; landscaping; and  
drainage improvements.**

at **Approximately 200 feet north of Pier Avenue, Oceano (San Luis Obispo County)**

Pursuant to Section 13169 of the Commission Regulations the Executive Director has determined that there are no changed circumstances affecting the proposed development's consistency with the Coastal Act. The Commission Regulations state that "if no objection is received at the Commission office within ten (10) working days of publishing notice, this determination of consistency shall be conclusive. . . and the Executive Director shall issue the extension." If an objection is received, the extension application shall be reported to the Commission for possible hearing.

Persons wishing to object or having questions concerning this extension application should contact the district office of the Commission at the above address or phone number.

Sincerely,  
PETER M. DOUGLAS  
Executive Director

A handwritten signature in black ink, appearing to read "Dan Carl".

By: DAN CARL  
District Manager

cc: Local Planning Dept.

**RECEIVED**

OCT 03 2007



CALIFORNIA  
COASTAL COMMISSION  
CENTRAL COAST AREA

**SAN LUIS OBISPO COUNTY  
AIRPORT LAND USE COMMISSION**

Chairman: Roger Oxborrow  
Commissioners: James Gleim  
Terry Orton  
Richard Pottratz  
Allen Settle  
Robert Tefft  
Gerrit Vanderziel

October 3, 2007

California Coastal Commission  
Central Coast District Office  
Attn: Jonathan Bishop  
725 Front Street, Suite 300  
Santa Cruz, CA 95060

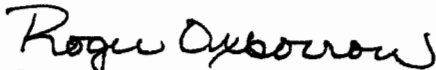
RE: Notice of Extension Request for Coastal Development Permit dated September 27, 2007  
Permit No. A-3-SLO-04-061-E1  
Granted: September 14, 2005  
Applicant: Oceano Pavilion LLC, Attn. Robert Mueller

Dear Mr. Bishop:

Pursuant to the above project, the Airport Land Use Commission of San Luis Obispo County (ALUC) filed an Appeal from Coastal Permit Decision of Local Government with the California Coastal Commission on September 21, 2004, as appeal No. A-3-SLO-04-061. The appeal was heard on September 14, 2005, and the Commission approved the project with conditions.

In response to the above extension request by Mr. Mueller, our ALUC respectfully submits this **'Letter of Objection'** to the extension request. As justification for this letter, the information and documentation submitted in the original appeal remains valid and unchanged. The ALUC reaffirms the allegations, as stated. The location of a hotel on the extended centerline of a public use runway is unsafe and contrary to the currently adopted standards and guidelines.

Respectfully submitted,

  
Roger Oxborrow, Chairman  
(805) 237-3877

**10-3-07 Fax** to Jonathan Bishop (831) 427-4877  
**10-3-07 Mailed** original to Jonathan Bishop

**CALIFORNIA COASTAL COMMISSION**

CENTRAL COAST DISTRICT OFFICE  
725 FRONT STREET, SUITE 300  
SANTA CRUZ, CA 95060  
(831) 427-4863

**Memorandum**

October 11, 2007

**To:** Commissioners and Interested Parties**From:** Charles Lester, Deputy Director, Central Coast District**Re:** Additional Information for Commission Meeting Friday, October 12, 2007

<u>Agenda Item</u>	<u>Applicant</u>	<u>Description</u>	<u>Page</u>
F15a, SLO-MAJ-1-05 Part 1	San Luis Obispo Co.	Ex Parte	2
F15d, STC-MAJ-1-06	City of Santa Cruz	Correspondence	3
F16b, A-3-CML-07-042	Sayles	Correspondence	7
F17a, 3-07-030	Caltrans	Staff Report Addendum	9
		Correspondence	12
		Ex Parte	2

Miscellaneous – Items not on today's agenda

Ex Parte – re: Pebble Beach Corporation	15
Letters – re: Oceano Dunes State Vehicle Recreational Area	17

F15a  
F17a

Meeting with Commissioner Achadjian

RE: October 2007 Coastal Commission Meeting

Attendees:

Morgan Raferty, Executive Director, ECOSLO  
Gordon Hensley, San Luis Obispo Coastkeeper  
Noah Smukler, Board Chair, San Luis Bay Chapter, Surf Rider  
October 4, 2007

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CENTRAL COAST AREA

ISSUES:

Wednesday, October 10.

**14. NEW APPEALS. See AGENDA CATEGORIES.**

**a. Appeal No. A-5-LOB-06-400 (Studebaker, LB, LLC & Home Depot-SSC/West Coast, Long Beach)**  
De novo hearing for appeal of local approval to: 1) Subdivide the project site; 2) demolish fuel oil tank farm and complete subsurface soils investigation; 3) remediate contaminated soils; and 4) construct 128,517 sq. ft. home improvement and garden center, 6,000 sq. ft. restaurant, and two retail/commercial buildings totaling 12,000 sq. ft., with 712 parking spaces., at 400 Studebaker Road, Long Beach, Los Angeles County. (CP-LB)

We SUPPORT STAFF for the following reasons:

1. Staff provides a good summary of the issues and sound reasons for recommending denial of the permit.
2. The Home Depot proposal violates the LCP: The Cup for the proposed retail use violates LCP requirements.
3. Approval would set a bad precedent. A CUP cannot be used to sanction a use not allowed by a certified LCP.

Thursday October 11

**7. NEW APPEALS. See AGENDA CATEGORIES.**

**a. Appeal No. A-6-OCN-07-31 (Oceanside Three, Oceanside)** Appeal by Preserve Calavera, Friends of Buena Vista Lagoon, Ellen Newton, Karen L. Dugan, Boyce Lundstrom, Douglas Freed, Daniel & Cathy Di Mento, Jacques Domercq & Commissioners Kruer & Wan from decision of City of Oceanside granting permit with conditions to Oceanside Three to construct 82-room hotel (70 units to be condo-hotel units), a full service restaurant and four residential condominium units on 3.8 acre undeveloped site, at west side of South Coast Highway, between Eaton Street and Buena Vista Lagoon, Oceanside, San Diego (TR-SD)

We SUPPORT STAFF recommendation to deny the project for the following reasons:

1. The proposed development as it is inconsistent with numerous provisions of the City of Oceanside's certified LCP. The construction of an 82-room hotel (70 units to be condo-hotel units), 4,180 sq. ft. full service restaurant and four residential condominium units on a lagoon-fronting 3.8 acre undeveloped site is inconsistent with the LCP provisions related to wetland boundaries and associated buffers.
2. "The City of Oceanside's own planning commission voted to deny the project, but they were overruled by the city council on a 3-2 vote to approve." (see staff report).

Friday October 12

**15. LOCAL COASTAL PROGRAMS (LCPs). See AGENDA CATEGORIES.**

a. **San Luis Obispo County LCP Amendment No. SLO-MAJ-1-05 Part 1 (Port San Luis Harbor District Master Plan)** Concurrence with the Executive Director's determination that the action by San Luis Obispo County accepting certification of LCP Major Amendment 1-05 Part 1 (in relation to the Port San Luis Harbor District Master Plan and related measures) with modifications is legally adequate. (JB-SC)

We SUPPORT STAFF.

**17. COASTAL PERMIT APPLICATIONS.**

a. **Application No. 3-07-030 (Caltrans, Piedras Blancas)** Application of Caltrans to recognize approximately 1,500 linear ft. of existing rock arrays and revetments, and to allow construction of an additional approximately 400 linear ft. of rock arrays and revetments, all on a temporary basis, until Highway One is realigned inland (when all the rock would be removed) along two locations fronting Highway One (between post miles 65.3 and 65.9) approximately seven miles north of San Simeon near Point Piedras Blancas in northern San Luis Obispo County. (JB-SC)

We OPPOSE Staff recommendation to allow additional 450 feet of revetment for the following reasons:

1. Caltrans missed the deadline to submit a request to extend the expiration date of that CDP, and thus it expired. Coastal Act Section 30235 allows shoreline structures only when they are necessary to protect an existing structure in danger from erosion, and when they are designed to eliminate or mitigate adverse impacts on shoreline sand supply. As the current road alignment is temporary, the Cal Trans proposal fails to demonstrate that additional revetment is "necessary".
2. In light of plans to realign Highway 1 at this location, Cal Trans has failed to demonstrate that the proposed expansion is a coastal dependent use.

F15d

~~SECRET~~

To the Coastal Commission Staff

Oct. 5, 2007

\* Agenda number F15d - Amendment No. STC-MAJ-1-06  
LCP hearing notice.  
Local Coastal Program Amendments. (SC-SC)

We are opposed to any development adjacent to city creeks and wetlands, especially in the Arana Gulch area.

We urge all of the commissioners to keep development away from these natural areas. Thank you.

Morris Sands and Marilyn Sands, property owners.

*Morris H. Sands*  
*Marilyn E. Sands*

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OCT 05 2007

CALIFORNIA  
COASTAL COMMISSION  
CENTRAL COAST AREA



F15d

Paul Del Monte  
P.O. Box 127  
Santa Cruz, Ca. 95010

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OCT 02 2007

CALIFORNIA  
COASTAL COMMISSION  
CENTRAL COAST AREA

California Coastal Commission  
725 Front St., Suite 300  
Santa Cruz, Ca. 95010

Re: City of Santa Cruz Citywide Creeks and Wetlands Management Plan  
(Item F15d, Oct 12, 2007 Hearing)

Dear commissioners,

I own a property located at 627/629 Seabright Ave. in the city of Santa Cruz adjacent to a city drainage ditch/easement that flows into Pilkington Creek. My property is zoned R-L ( low density residential ) and I currently have tentative City of Santa Cruz approval to construct six condominium units on the site pending final approval by the Calif. Coastal Commission. Prior to the revised Creeks and Wetlands Management Plan I was unable to develop my property to what the zoning would allow me to build. With the revised plan, myself and hundreds of other property owners in the city now will be able to reasonably develop their properties, and at the same time improve the quality of our urban creeks and wetlands. It is a win-win situation for both the property owners and the City of Santa Cruz!

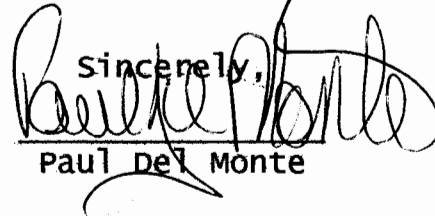
I have been involved in the whole process of revising the plan since the beginning. My property was actually used as an example of how the old plan didn't work. The city council, planning commission, and staff have all visited my site. I have attended every workshop and meeting and was the last to speak at the city council meeting when they finally approved the revised plan.

Getting the revised Creeks and Wetlands Management Plan to where it is now has been a long, slow, contentious process. The plan in it's current shape is the result of many, many hours of research, planning, dialogue, and give and take from all parties involved. It is well thought out, backed by solid, detailed research, and allows for changes to the recommendations on a case by case basis. I thoroughly support the current plan as do all of the other affected property owners that I have talked to.

I have read the coastal commission staff recommendations to amend the plan as placed before you for this hearing. I am in general agreement with the changes to the wording to satisfy the legal requirements. I am also comfortable with some minor changes to the setbacks for different reaches of various creeks. However, even though staff doesn't recommend it, I am STRONGLY OPPOSED to any changes to the minimum setbacks for the different watercourse categories (A, B, and C) as this would affect hundreds of property owners like myself who have

improvement plans in process or tentatively approved. This would also create a major discrepancy between the standards for the City with-in and outside the coastal zone. The beauty of this plan is that there is a variance process in it so that the various setbacks can be adjusted on a case-by-case basis.

I hope the coastal commissioners approve the plan as written with only minor changes as per staff recommendations. We have been working on this for approx. EIGHT YEARS and now is the time to get over the final hurdle with commission approval and get it on the books for all of the City of Santa Cruz.

Sincerely,  
  
Paul Del Monte

F16b

1836 Carmelo Drive  
Carmichael, CA 95608

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OCT 05 2007

CALIFORNIA  
COASTAL COMMISSION  
CENTRAL COAST AREA

October 2, 2007

California Coastal Commission  
Central Coast District Office  
725 Front Street, Suite 300  
Santa Cruz, CA 95060

Gentlemen:

Re: Appeal Number A-3-CML-07-042, Sayles SFR Addition  
Agenda Item F16b

We disagree with the staff recommendation on this matter and support the appeal of Kathy Grady.

We are the owners of the residence northeast of Mr. Sayles residence. Mr. Sayles plans for a substantial alteration of his residence was unanimously denied by the Carmel Design Review Board on May 23, 2007.

After that decision, the matter was appealed to the Carmel City Council and a hearing was held on August 7, 2007. At that meeting the Council reversed the decision of the Design Review Board and granted Mr. Sayles appeal by a vote of 3-1. The basis of the City's decision was that the Design Review Board incorrectly interpreted the City Ordinance regarding private views and the Board acted to protect one owner's views rather than balancing views as specified in City ordinance 17.10.010K. I believe the City Council actions were in error on both counts.

City ordinance 17.10.010K states that: "Design should respect views enjoyed by neighboring parcels. This objective is intended to balance the private rights to views from all parcels that will be affected by a proposed building or addition. No single parcel should enjoy a greater right than other parcels except the natural advantages of each site's topography. Buildings which substantially eliminate an existing significant view enjoyed on another parcel should be avoided."

This balancing requirement went unheeded by the City Council and their decision is in direct conflict with the ordinance and previous decisions. One of the City Council members stated that in this instance "everyone must suffer equally". That statement is totally off base. Mr. Sayles already has an extensive view and even successfully fought

California Coastal Commission  
Re: Agenda Item F16b  
Page 2

to preserve it in an earlier situation where a neighbor's design impacted his views by invoking the very same ordinance cited above. In fact by enhancing his already extensive view his neighbors all suffer. There is no balance here; rather he ends up with an enhanced view while we and our other neighbors lose ours.

Our home enjoys a view to the southwest of the ocean and breaking waves, which we call "white water". The addition will eliminate that view. Further the addition is now planned to be shifted two or three feet *further* to the north. This will not help, but, rather, will worsen the situation regarding the impact on our view.

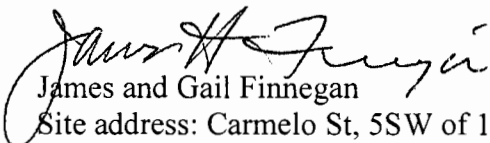
The City's General Plan, Residential Design Guidelines and Zoning Ordinance all emphasize respect for privacy and the views of neighboring properties. This proposed project violates those ordinances.

In summary, no one property should enjoy a greater right than other properties enjoy, particularly with respect to views. Mr. Sayles already has a nice view and to enhance it at the expense of his neighbors violates current zoning requirements, is not consistent with past decisions of the City and is just simply unfair.

We appreciate the difficulty of preparing an acceptable design, but as proposed, it is unacceptable and inconsistent with City design standards and zoning regulations.

We would be pleased to work with Mr. Sayles and his architect to develop a reasonable design which preserves our view and property value.

Sincerely,

  
James and Gail Finnegan  
Site address: Carmelo St, 5SW of 11<sup>th</sup> Ave  
Carmel, CA  
831-622-9872 res  
916-804-9777 cell

**CALIFORNIA COASTAL COMMISSION**

CENTRAL COAST DISTRICT OFFICE  
725 FRONT STREET, SUITE 300  
SANTA CRUZ, CA 95060  
PHONE: (831) 427-4863  
FAX: (831) 427-4877

**F17a****Staff Report Addendum**

**Prepared October 3, 2007 (for October 12, 2007 hearing)**

**To:** Commissioners and Interested Parties

**From:** Charles Lester, District Director  
Dan Carl, Interim District Manager *DCML*  
Jonathan Bishop, Coastal Program Analyst

**Subject: STAFF REPORT ADDENDUM for F17a**  
**CDP Application Number 3-07-030 (Caltrans, Piedras Blancas)**

Since release of the staff report and recommendation for this item, staff has continued to work with Caltrans to address potential issues with the proposed project. These discussions have provided for a productive exchange of information, and for more clarity with respect to the proposed project and related coastal resource issues. Out of these discussions, Caltrans has requested seventeen specific changes to the staff report dated prepared September 20, 2007. The modifications requested by Caltrans are minor and do not substantively alter the staff report and recommendation. To address Caltrans concerns, staff has agreed to incorporate all seventeen of the changes requested by Caltrans into the staff report recommendation. With these changes, Caltrans has indicated that they are in agreement with the staff report recommendation, including its terms and conditions, and has further indicated that they would like the item to be moved to the Commission's consent calendar (see attached October 1, 2007 letter from Caltrans).

The staff report prepared September 20, 2007 is modified as follows:

1. Page 3, paragraph 3, lines 6, 7, and 8: Rewrite as follows: "...upland realignment, and continuing coastal access as part of the realignment project including consideration of bicycle and pedestrian enhancements, and California Coastal Trail enhancements. This conclusion must..."
2. Page 4, paragraph 1, line 10: Add the following text after the sentence that ends with "...more generally": "Caltrans must maintain the barriers within the safety guidelines for K-rail installation. The close proximity to traffic requires that the rail be painted white for easy recognition by motorists in the dark and during any inclement weather conditions."
3. Page 4, paragraph 1, last sentence: Replace the last sentence with the following text: "Caltrans has identified measures to minimize the impact of the barriers and ensure that the barriers as a whole are as uniform and as visually unobtrusive as possible, while maintaining the necessary traffic safety requirements."
4. Page 6, Special Condition 1(d): Replace this condition with the following: "Barrier Modifications. Modifications to the existing concrete barriers at Rocks 2 to minimize

viewshed impacts as much as possible to ensure that the barrier as a whole is uniform and as visually unobtrusive as possible, while maintaining the necessary traffic safety requirements.”

5. Page 7, Special Condition 2(d): Replace references to “30 days” with “two weeks”.
6. Page 8, Special Condition 2(e)(3), second bullet: Delete the text “work or” from the sentence.
7. Page 10, Special Condition 2(f): Delete the text “, or better where feasible,” from the first sentence.
8. Page 10, Special Condition 4: Delete the text “or better” from the second sentence.
9. Page 15, paragraph 2, line 4: Before the sentence beginning with “Thus”, insert the following text: “Using bluff retreat calculations, Caltrans engineers determined that the risk of the bluff eroding back to the temporary detour, prior to the completion of the realignment project, was great enough to warrant leaving the existing revetment in place.” Replace the text “Thus, is” in the following sentence with the text “However, it”.
10. Page 15, paragraph 2, line 5: Replace the text “Fortunately, the” with the text “The”.
11. Page 23, second paragraph (beginning with the text “A review of...”): Replace this paragraph with the following text:

“A review of the site photos revealed that Caltrans’ safety rails adjacent to the highway detract from the scenic view. The conditions of the highway, and proximity to frequent wave break across the entire roadway, however, make their presence necessary as Caltrans copes with trying to maintain the highway facility and keep it as safe as possible for the traveling public. The rail is deployed not only for traffic safety, but to provide as low a profile as possible to a barrier that is intended to prevent the wave action from completely undermining and destroying the pavement. The rails are subjected to a high degree of sun, seawater, and abrasion. Alternative barrier designs that might be more visually compatible are not feasible given the limited space available between the highway and the bluff edge, and given the instability of the bluff area more generally. Caltrans has identified measures to minimize the impact of the barriers and ensure that the barriers as a whole are as uniform and as visually unobtrusive as possible, and to remove any concrete and other debris along their extent, so as to minimize their impact to the public viewshed. Thus, the barriers will blend with the natural environment as much as is possible with such structures, and are temporary, minimizing viewshed impacts to the degree feasible.”
12. Page 23, paragraph 3, second sentence: Replace second sentence with the following text  
“However, in this case, there is very little space between the barrier location and the blufftop edge for any form of landscaping.”
13. Page 23, paragraph 3, line 4: Replace the word “will” with “may”.

14. Page 23, under “Related Issues – Revetment Maintenance and Augmentation”, paragraph 1, line 8: Delete the text “; potentially encroach on Sanctuary waters (depending on tides)” from the sentence.
15. Page 24, paragraph 1, line 2: Delete the text “ambiance, serenity, and safety” from the sentence.
16. Page 24, second paragraph, line 8: Delete the text “clearly fence off the minimum construction area necessary,” from the sentence.
17. Page 24, paragraph 3, line 8: Delete the text “adjustment and” from the last sentence.

**DEPARTMENT OF TRANSPORTATION**

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SAN LUIS OBISPO, CA 93401-5415  
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<http://www.dot.ca.gov/dist05/>

**RECEIVED**

OCT 04 2007

CALIFORNIA  
COASTAL COMMISSION  
CENTRAL COAST AREA

F17a



*Flex your power!  
Be energy efficient!*

October 1, 2007

File: SLO-1-65.4 to 65.9  
North of Piedras Blancas  
San Luis Obispo County

Charles Lester, Senior Deputy Director  
California Coastal Commission  
Central Coast District Office  
725 Front Street, Suite 300  
Santa Cruz, CA 95060

Attn: Dan Carl, Interim District Manager

**Subject: Permit to Authorize Continued Use of Rock Slope Protection****Reference: Coastal Development Permit Application No. 3-07-030**

Dear Mr. Lester,

This letter is being submitted in response to the draft Staff Report Addendum for the October 12, 2007 hearing, provided for our review. We appreciate your staff's time and effort to address our concerns. With the changes as reflected in the addendum, Caltrans is in agreement with the staff report recommendation, including its terms and conditions, and we request that the item be moved to the Commission's consent calendar.

Sincerely,

Gary Ruggerone  
Senior Environmental Planner  
Caltrans District 5

email cc: Rich Krumholz, Caltrans D-5 Director  
Steve Price, Caltrans  
Lance Gorman, Caltrans  
Cathy Stettler, Caltrans  
Tami Grove, CCC  
Jonathan Bishop, CCC

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SEP 27 2007

CALIFORNIA  
COASTAL COMMISSION  
CENTRAL COAST AREA

F17a 73  
ITEM NO: F17a  
APPLICANT: Caltrans  
PERMIT NUMBER: 3-07-030  
HEARING DATE: 10/12/2007  
JAVAD N.SANI & PARVIN NAHVI  
APN#: 011-231-05  
POSITION: IN FAVOR

Javad N. Sani  
Parvin Nahvi  
P.O. Box 885  
Templeton, CA 93465

September 25, 2007

Mr. Jonathan Bishop  
Coastal Program Analyst  
California Coastal Commission  
Central Coast District Office  
725 Front Street, Suite 300  
Santa Cruz, CA 95060

Re: Item #: F17a  
Applicant(s): Caltrans  
Permit #: 3-07-030  
Hearing Date: 10/12/2007  
APN #: 011-231-05

Dear Mr. Bishop:

We are in favor of the application of Caltrans (Item #: F17a and Permit #: 3-07-030) for placement of already constructed and to be constructed rock arrays and revetments north of Piedras Blancas Lighthouse. However, we hope that Caltrans would make every effort to save a few precious old coastal cypress trees west of Highway 1 in this area. We believe these trees could be saved by firming up the dirt around them and placing the rocks in such a way that would protect them. We also believe that preserving these trees is even more important now than the existing

Highway could end up being part of the California Coastal Trail in this area after Highway 1 has been finally relocated.

Sincerely,

Javad N. Sani  
Javad N. Sani

P. Nahvi  
Parvin Nahvi

JNS // ss

# FORM FOR DISCLOSURE OF EX PARTE COMMUNICATIONS

Name or description of project, LPC, etc.: **Pebble Beach Corporation**

Date and time of receipt of communication: **09/12/07 1:15pm**

Location of communication: **Stanford**

Type of communication (letter, facsimile, etc.): **Telephone**

Person(s) initiating communication: **Mark Stillwell**

Detailed substantive description of content of communication:

In what was mostly a social call, Mark told me that he met with Charles Lester and Commission staff last week to explore possible housing infill opportunities at Pebble Beach.

He said he was meeting again with staff to hear their response on Friday 9/14.

**Thursday Sept 13, 2007**

Date



Signature of Commissioner

If the communication was provided at the same time to staff as it was provided to a Commissioner, the communication is not ex parte and this form does not need to be filled out.

If communication occurred seven or more days in advance of the Commission hearing on the item that was the subject of the communication, complete this form and transmit it to the Executive Director within seven days of the communication. If it is reasonable to believe that the completed form will not arrive by U.S. mail at the Commission's main office prior to the commencement of the meeting, other means of delivery should be used, such as facsimile, overnight mail, or personal delivery by the Commissioner to the Executive Director at the meeting prior to the time that the hearing on the matter commences.

If communication occurred within seven days of the hearing, complete this form, provide the information orally on the record of the proceeding and provide the Executive Director with a copy of any written material that was part of the communication.

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SEP 13 2007

CALIFORNIA  
COASTAL COMMISSION  
CENTRAL COAST AREA



September 8, 2007

California Coastal Commission  
Central Coast District Office  
725 Front St., Ste. 300  
Santa Cruz, CA 95060-4508

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SEP 14 2007

CALIFORNIA  
COASTAL COMMISSION  
CENTRAL COAST AREA

Dear Members, California Coastal Commission:

We write to you, because you are at the forefront of the evolution of consciousness. With your help we can contain and reverse the global assault on nature, starting in our own back yard.

We would like to apprise you of developments in the ongoing efforts to deal with the unacceptable situation regarding vehicular use of the Oceano California beach and sand dunes. People driving vehicles have used this extraordinary stretch of beach since before there were automobiles, and for decades they coexisted with other beach users, such as children, families, people walking their dogs and people riding their horses. However, since the invention and development of the dune buggy and the all-terrain vehicle (ATV), and particularly since the establishment of the Oceano Dunes State Vehicle Recreation Area (SVRA) in 1974, vehicle use of the beach and dunes has become an uncontrolled menace to the safety of all, including the vehicle users themselves, as well as to the viability of this delicate ecosystem and the many species which depend upon it for their habitat. Currently as many as 60,000 vehicles access the beach and dunes during holiday weekends throughout the year, as well as in slightly lesser numbers at all times.

The enclosed letter presents issues in detail of endangerment of public safety and air and water quality degradation which can be directly attributed to the continued overuse of the SVRA and to the policies and practices of those who administer its use. We implore Governor Schwarzenegger and all appropriate individuals and agencies to seriously consider addressing this issue. The Oceano Dunes SVRA is the only place on the coast of California where such abuse of natural resources is allowed. It is time to elevate the Central Coast level of consciousness. Please lead us.

Sincerely,

Concerned Citizens of the Central Coast of California

Cc: Honorable Al Gore, Robert F. Kennedy, Jr., Anderson Cooper 360, Erin Brockovich, Speaker of the House Nancy Pelosi, Senator Barbara Boxer, Senator Diane Feinstein, Congresswoman Lois Capps, Honorable Board of Supervisors, San Luis Obispo County

Signatures of Concerned Citizens of the Central Coast to letter of September 8, 2007, addressed to the Honorable Al Gore, Robert F. Kennedy, Jr., Anderson Cooper 360, Erin Brockovich, Congresswoman Nancy Pelosi, Senator Barbara Boxer, Senator Diane Feinstein, Congresswoman Lois Capps, California Coastal Commission, and the Honorable Board of Supervisors of San Luis Obispo County regarding the unacceptable situation resulting from unrestrained vehicular use of the Ocean, California, sand dunes and beach which endangers and degrades public safety and the quality of the local air and water:

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Mary E. Orcutt  
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M. PATRICIA DURÓN  
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Nipomo CA 93444

Mr. Neil Langford  
DR NEIL LANGFORD  
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István Balogh  
ISTVÁN I. BALOGH  
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SEP 14 2007

CALIFORNIA  
COASTAL COMMISSION  
CENTRAL COAST AREA

Governor Arnold Schwarzenegger  
State Capitol Building  
Sacramento, CA  
95814

September 3, 2007

Re: Oceano Dunes State Vehicular Recreation Area (SVRA), Concerns about Safety, Child Endangerment, Environmental Damage, and Air and Water Quality Degradation

Dear Governor Schwarzenegger,

We are in receipt of a letter (copy enclosed), written June 21, 2007, from Ruth Coleman, Director of the Department of Parks and Recreation, in response to our letter to you (copy enclosed) of May 8, 2007. Ms. Coleman attempts to assure us that all the problems relating to vehicle use of the Oceano beach and dunes are under the control of the appropriate agencies. Ms. Coleman states in her letter, "Where appropriate, permits for operation of the unit [SVRA] are in place."

However, the Oceano Dunes State Vehicular Recreation Area (ODSVRA) is not being controlled by the appropriate agencies. This is due to permit irregularities related to the Off-Highway Vehicle division of State Parks and Recreation (OHV) and to enforcement challenges.

We would like to provide your staff with documentation on the following permit and enforcement irregularities that indicate that permits for operation of the ODSVRA are not in place.

The original coastal development issued by the California Coastal Commission contained a requirement that the beach was to be used only temporarily as ingress and egress to the SVRA. The specific deadline set in the permit passed two decades ago. The OHV, therefore, is not in compliance with its coastal permit. Studies indicate that alternatives to the beach would also be too damaging to the environment. The Coastal Commission has no legal remedy to force compliance, since it and the OHV have the same attorney. But the commission at its February meeting directed that two commissioners meet with the department of resources to address this and other OHV permit irregularities.

One such OHV permit irregularity is the use of San Luis Obispo County owned land for off-highway vehicular recreation. The OHV has an operational agreement with the county (that is due to expire next year) that specified that the land, along with the Pismo Dunes Natural Preserve, was to be a "buffer zone". The San Luis Obispo County Planning Commission found that OHV use of this buffer zone is inconsistent with the county's general plan. In April, the Board of Supervisors put the sale or lease of the land to OHV on hold until the matter could be resolved.

Another permit irregularity concerns grading activities that cause potential flooding to private property. OHV submitted applications to agencies following enforcement action by the Coastal Commission. These applications for an "after the fact" permit for the sand ramp at the end of Pier Avenue contain many irregularities. Just to name a few, the County of San Luis Obispo was given a map that showed the ramp to be below the mean high tide line, and out of county jurisdiction. The U.S. Army Corps of Engineers was told the ramp was above the mean high tide line and out of its jurisdiction.

Several of the permits issued to the OHV required a current scientific determination of the location of the mean high tide line, which has changed since state lands determined it in 1948. While OHV indicated to the County Board of Supervisors that they commissioned a survey, the surveyor they implicated denied that his firm drew the line that OHV presented to the board.

The participation of the appropriate controlling agencies is irregular regarding the following: (1) Arroyo Grande Creek was redirected in such a manner so as to become more shallow for vehicles to cross; (2) the Pismo Dunes Natural Preserve was renamed and remapped in such a manner that vehicles do not appear to be in a natural preserve, which would be prohibited by state law; (3) the SVRA boundaries were extended to include county owned land, and portions of the Pismo Dunes Natural Preserve and Pismo State Beach Park; and (4) numerous ATV rental concessions conduct business on the beach in the Pismo Dunes Natural Preserve, which involve transporting, storing, and dispensing hundreds of gallons of gasoline.

Fireworks, such as those used by coastal cities off piers on July 4, are routinely exploded in and near the ODSVRA. Fireworks are not permitted on state property or the county property adjacent to the ODSVRA. The California Fire Marshall's office and the San Luis Obispo County Sheriff are unable to enforce the law. These fireworks are a fire hazard and disturb the ecosystem in the Pismo Dunes Natural Preserve and the federally mandated plover enclosure.

Marine mammals are routinely captured and relocated from the beach in and near the ODSVRA whether or not they are sick or injured. The permitting process to OHV for this take is now under investigation. One baby sea lion that was in good health was relocated because it interfered with a Hummer.

The Oceano Dunes SVRA is advertised by the State of California in its official State Parks and Recreation brochure and map as a good place for family recreation, but the lack of observation and enforcement of laws which could ensure the safety of family members suggests ongoing violations of child endangerment legislation. It would appear that the agency managing the Oceano Dunes SVRA could be liable to prosecution for failing to protect those who legally use the Oceano Dunes SVRA.

It has been extremely difficult to obtain statistics from the OHV on accidents in the ODSVRA. The occasional news release quotes around 300 accidents and a couple of deaths per year. But the accident rate is much higher than reported and there were five

deaths in 2003. Emergency room personnel at Arroyo Grande Hospital report that there are 500-600 accidents involving children under 14 and requiring ER attention a year. For adults, there are 8-10 average ER incidents a day on weekends.

Two days ago a 37 year old man suffered a broken neck in a dune vehicle accident at the Oceano SVRA. Two weeks ago, a four year old child was killed while playing at the beach by a person driving a truck. According to statistics readily available, children between the ages of 5-19 account for more than one third of all the ATV related injuries occurring in the nation. Children as young as four years old routinely drive their own dune vehicles in the ODSVRA, although the American Academy of Pediatrics states that no child under the age of 16 is capable of safely operating any vehicle. Studies made by a nurse at a local hospital Emergency Room indicate that the incidence of injury and death at the Oceano Dunes SVRA is very high.

The recent death of the four year old boy occurred in an area designated as a "natural preserve" where it is illegal to operate a motor vehicle, yet thousands upon thousands of such vehicles access that location yearly and the appropriate agencies appear unable to ensure the safety of those such as children playing on the beach who have a legal right to use it.

It seems obvious that allowing individuals to operate vehicles in illegal and unsafe locations which result in thousands of injuries and deaths to children and others does not fall into the same statistical category as injuries occurring during legal activities such as boating, skiing and skateboarding. The driver who killed the four year old boy was not cited.

Ms. Coleman states in her letter, "We take great care to see that units of the State Park System are operated to the highest standards of environmental sustainability..." However, the San Luis Obispo Air Pollution Control District has issued data indicating that the particulate matter downwind from the Oceano Dunes SVRA measures higher than the state standard (see Nipomo Mesa Particulate Study 2007 by the Air Pollution Control District of the County of San Luis Obispo). The area in question is currently experiencing intense development of large tracts of expensive homes, golf courses, and shopping malls. An unsafe concentration of particulate matter is known to cause health problems and even untimely death (see the above cited study). The tremendous concentration of vehicles (50,000 estimated for the recent Fourth of July holiday season) most of which are not subject to the emissions control that regulates street legal vehicles, combined with the sand and dust that they stir up, generates a plume of pollution that streams over the Nipomo Mesa and is visible from far away. This has been documented.

The issue of water pollution is of particular concern. The Oceano Dunes SVRA is, by the admission of the Department of Parks and Recreation (see the official State Park and Recreation brochure and map, published by the State of California) available for campers but has no designated camp sites. Sanitation is at the discretion of the campers themselves, and many incidents of dumping of raw sewage and gray water into the sand of the beach and the dunes, particularly by campers using huge recreational vehicles,

have been observed and documented, in flagrant violation of health and safety laws. This, as well as the pollution caused by gasoline burning engines in vehicles parked and driven on the beach and in the dunes, threatens the water quality of the whole area. The City of Pismo Beach has problems with pollution of its beach that can be directly traced to the flow of current from the Oceano Dunes SVRA. Although San Luis Obispo County does not test the beach from Arroyo Grande Creek south to the Santa Barbara County line (where the thousands of campsites are) for contamination due to lack of funds, Santa Barbara County does test, and the area closest to the ODSVRA has shown contamination.

It seems reasonable to your constituents that you, the Governor of the State of California, with your well-deserved international reputation of leadership in the area of environmental concerns, would take steps to ensure that the laws of the State that are designed to protect the health and safety of its residents be upheld and enforced. It seems unreasonable that the residents of one area should suffer such extreme degradation of health and safety because of the recreation needs of residents from another area, particularly since such needs are being satisfied in a manner that flouts and breaks the laws governing all. Please address the issue of the illegal, dangerous and destructive vehicular use of the Oceano beach and sand dunes.

Sincerely,

Concerned Citizens of San Luis Obispo County

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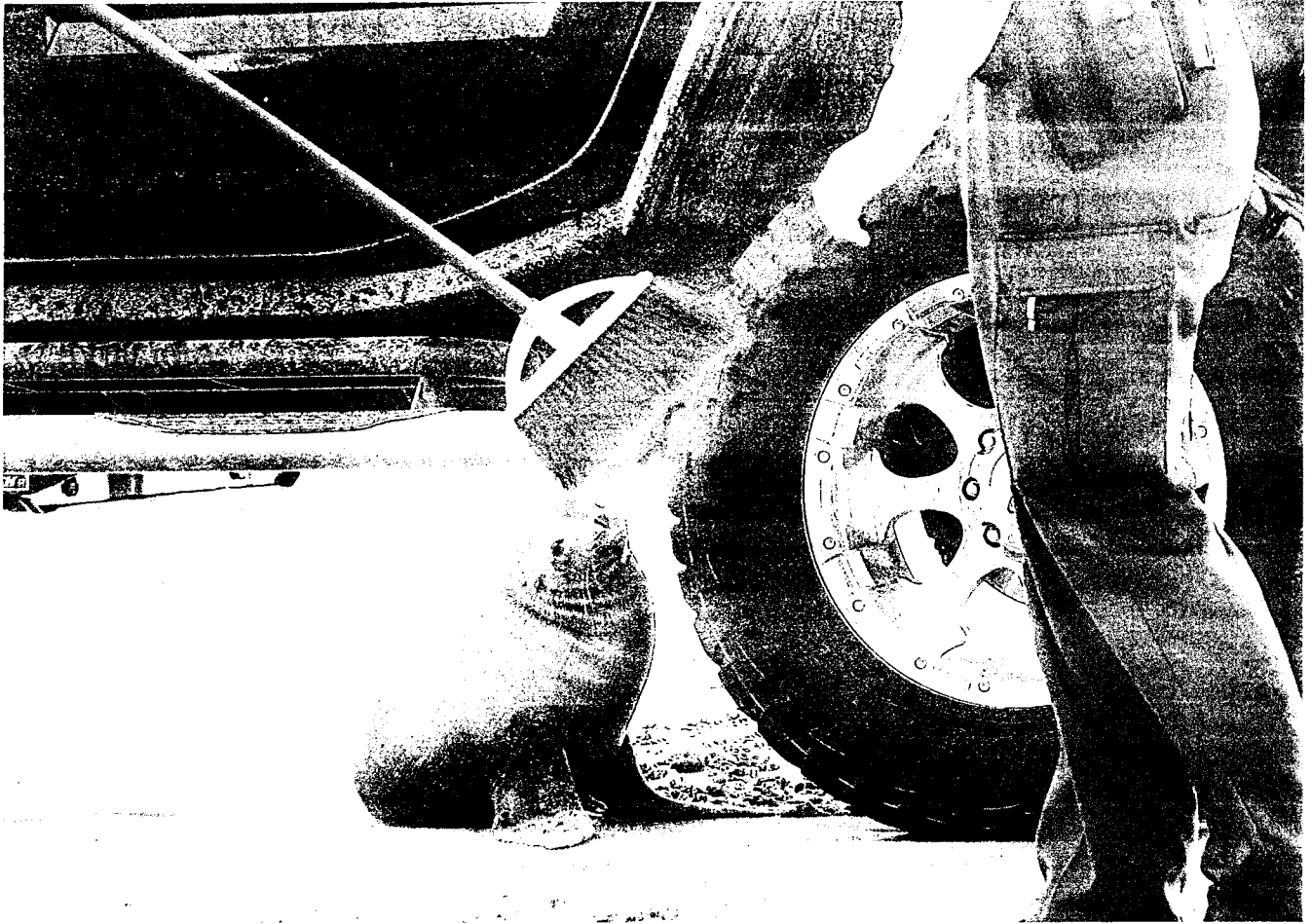


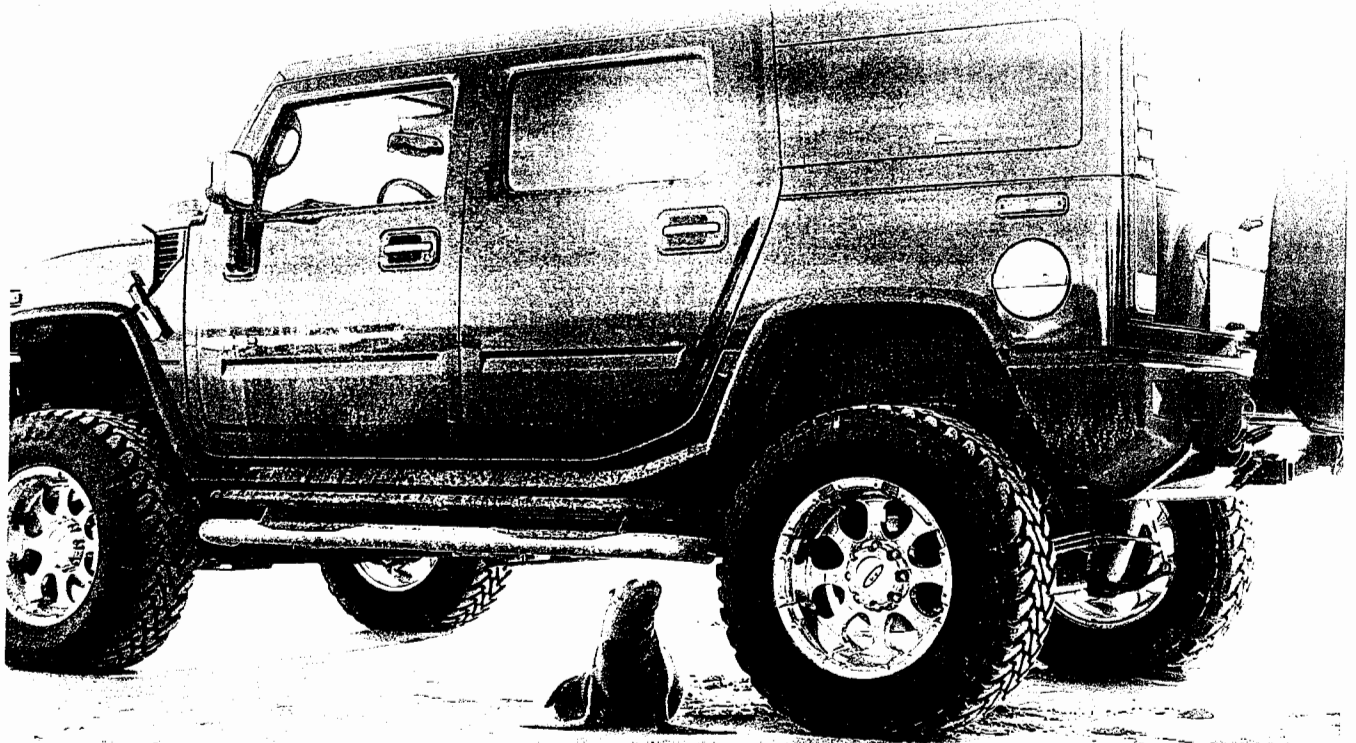


NATURAL PRESERVE



NATURAL PROJECT D. 11





Tim Drummond 9/8/07

Violet Drummond 9/8/07

Verena Keyser

Verona ReBow

7037056

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DAWN J. GOODMAN

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Tom Balogh

IRM BALOGH

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HALCYON, CA 93421



Governor Arnold Schwarzenegger  
State Capitol Building  
Sacramento, Ca  
95814

May 9, 2007

**RECEIVED**

SEP 14 2007

CALIFORNIA  
COASTAL COMMISSION  
CENTRAL COAST AREA

Dear Honorable Governor Schwarzenegger:

We wish to bring to your attention a situation on the Central Coast of California that is seriously in need of consideration. In this era of consciousness about global warming and ecology, the vehicle usage of the Oceano Beach and Dunes has gotten out of control and threatens the viability of life in the area in many ways.

For 25 years the State of California has operated the State Vehicle Recreation Area (SVRA) in the dunes under a lease of property from the County of San Luis Obispo. Access to the SVRA is from a ramp in Oceano and a ramp in Grover Beach, and necessitates travel along the beach and through the Arroyo Grande Creek. Over the years this area has become very popular with people from the interior valley of California, and currently many thousands of vehicles access the SVRA every year.

The lease is due to expire soon, and the State of California has offered to buy the tract currently under use as the SVRA. This has stimulated debate among local residents about the advisability of continuing vehicle use of the beach and the dunes at all.

Some of the issues that have arisen address safety of those attempting to enjoy non-vehicle use of the beach and dunes, and others have a wider scope.

Air pollution by particulate matter on the Nipomo Mesa, which is downwind of the SVRA and is currently under extensive residential development, exceeds by 17% the State Health Standard, according to Air Quality Control District data. This pollution is caused by the intense vehicle use of the beach and the dunes. Air pollution from burning of fossil fuel is high on the Mesa due to high volume of traffic up wind of the Mesa on the SVRA. Dunes traffic vehicle emissions are not controlled as strictly as those of other traffic vehicles.

Water pollution caused by vehicles using the beach and the Dunes is higher than allowed by environmental guidelines. According to Coastal Commission guidelines, it is illegal for vehicles to cross the Arroyo Grande Creek at the beach, but they have been doing it for years, and the volume of use is steadily increasing. Illegal dumping of sewage waste tanks (often observed) by campers with recreational vehicles in the SVRA camping area threatens water quality and may contribute to pollution of ocean beaches in the area. Vehicles are frequently lost in the creek when drivers unwisely attempt to cross to access the SVRA, and all the fluids, gasoline, oil, brake and transmission fluids, battery acid, and lubricating greases, enter the ocean water at the beach.

Noise pollution from SVRA access and use by many thousands of vehicles is perceptible as far away as Oceano, Grover Beach and the Nipomo Mesa. Residents at the Strand in Oceano are forced to endure constant freeway-like traffic on the beach between their houses and the ocean. Vehicles using the SVRA in the majority are large trucks, trucks with large trailers, and large recreational vehicles, all of which produce more noise than smaller vehicles such as cars.

Recreational family access to the beach is severely restricted and dangerous in the entire area between the Grand Avenue ramp and the SVRA due to the high volume of vehicle traffic. There is little or no effective control and drivers routinely exceed the speed limit of 15 mph. Vehicle drivers do not appear to observe any common rules of the road, driving recklessly and aggressively, endangering all other users of the beach, with little or no control in evidence. Children and families trying to access recreation in the ocean are at constant risk from vehicles which are allowed to drive on any part of the beach including into the water and do so with no apparent supervision or control.

Local health care statistics indicate that vehicle use at the SVRA produces a very high incidence of injuries to drivers and observers, and local Emergency Health Services are highly impacted by this activity. Emergency health services are stretched thin and may not be able to serve local residents adequately due to the high volume of injuries at the SVRA. Some local EMT servers (Oceano) are not recompensed for this additional responsibility, which threatens the viability of their business and their ability to serve local residents.

The SVRA is used almost exclusively by people from outside the local area. The majority of local residents would like to see vehicle use stopped for all the above reasons. It is outside interest that continues to support the use of the SVRA to the detriment of quality of life in the local area.

Revenue from SVRA use does not substantially benefit the local area of the SVRA, whose tax dollars provide the services used by the campers. Users come to camp, not to stay at local motels and eat in local restaurants. All terrain vehicles, such as those used in the SVRA, are bought elsewhere, not in the local area.

The vehicles are intruding on the beach and in the creek into the habitat of four threatened and endangered species: the Snowy Plover, the Least Tern, the Tidewater Goby and the Steel head Trout.

Alternative forms of tourism which would encouraging appreciation of the unique history and valuable natural resources of the Central Coast could be substituted for unrestrained and dangerous SVRA use. This would highlight awareness of the importance of supporting viability in nature in this era of appreciation of the earth and the danger of Global Warming.

We urge you to take steps to address this dangerous and difficult situation for the benefit of all.

Sincerely,

Concerned Citizens and Resident of South San Luis Obispo County

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cc: Senator Maldonado, Assemblyman Blakeslee,  
County Supervisor Achadjian, Fran Pavley





(916) 653-1570

**RECEIVED**

SEP 14 2007

CALIFORNIA  
COASTAL COMMISSION  
CENTRAL COAST AREA

June 21, 2007

Dear Concerned Citizen,

**RE: Oceano Dunes State Vehicular Recreation Area**

Thank you for your letter of May 9<sup>th</sup>, 2007. Your letter to Governor Arnold Schwarzenegger regarding concerns about Oceano Dunes State Vehicular Recreation Area (SVRA) has been referred to me for response.

In your letter, you raise a number of specific issues regarding the legality, appropriateness, and safety record of Oceano Dunes SVRA. We take great care to see that units of the State Park System are operated to the highest standards of environmental sustainability in order to insure natural and cultural resources are protected for future generations. We believe Oceano Dunes SVRA is being managed to these high standards.

Your letter points out concerns regarding a number of potential violations of resource laws relating to clean water, air, and noise. We, too, are concerned about these issues, and work closely with the appropriate control agencies to monitor and manage impacts in these areas. The Park Superintendent maintains close contacts with the California Coastal Commission, the Army Corps of Engineers, the United States Fish and Wildlife Service, the California Air Resources Board, and numerous other control agencies which have jurisdiction over impacts related to management of the unit. Where appropriate, permits for operation of the unit are in place.

Another issue concerns the impact of having a popular unit of the State Park System located in your community, and the impacts of the many visitors who enter the park from outside the local community. The very nature of the California State Park System is to manage resources which are valuable to the population of California. The outdoor experience and recreational opportunities afforded the public at Oceano Dunes SVRA are unique in the state. In addition, economic impact studies have shown the visitors contribute a significant economic benefit to the county.

Concerned Citizen

Page Two

The state has been diligent to manage the recreation on the beach and dunes for both motorized and non-motorized recreation. More than half of the acreage of Oceano Dunes SVRA is closed to vehicular use. Immediately to the south of the riding area is Oso Flaco Lake. This area provides wonderful opportunities for hiking, bird viewing, picnicking and beach enjoyment for those who do not wish to interact with vehicular traffic. The state also owns the beach north of the SVRA. This area is managed under agreement by the City of Pismo Beach, and provides outstanding opportunities for recreation activities not involving motor vehicles.

Your letter also expresses concern about the high incidence of injuries at Oceano Dunes SVRA. Given the large number of visitors to the unit, it is inevitable for accidents to occur. However, statistics show the accident rate is far lower than the average for other types of active recreation, such as snow skiing, boating, or skateboarding.

In conclusion, let me emphasize the commitment of California State Parks to operating Oceano Dunes in a responsible and environmentally sustainable fashion. Vehicle operation on the beach and dunes is closely monitored and managed, and provides a unique recreational opportunity. We will continue to work with the local and statewide interests to insure this irreplaceable resource is protected for generations to come.

Sincerely,

A handwritten signature in cursive script, appearing to read "Ruth Coleman".

Ruth Coleman  
Director

cc: Daphne Greene, Deputy Director Off-Highway Motor Vehicle Recreation.  
Division  
Senator Able Maldonado  
Assemblymember Sam Blakeslee  
San Luis Obispo County Supervisor K.H. Katcho Achadjian  
Fran Pavley